1297096-001 BOOK 0718 PAGE 085

AFFIDAVIT OF NONDEVELOPMENT
AND NONPAYMENT OF DELAY RENTALS

I, O. E. Burge, of RD 3 Box 33, Cameron, WV 26033, being of lawful age and duly sworn, do hereby depose and state the following:

Affiant hereby states that (he/she) is the owner of an undivided interest in the oil and gas rights under certain lands situate in the District of Cameron, Marshall County, West Virginia, being further described as follows:

Jan Pest
MARSHALL County 12:40:23 PM
Instrument No 1297153
Date Recorded 12/20/2010
Document Type O&G
Pages Recorded 1
Book-Page 718-85
Recording Fee $5.00
Additional $6.00

Tax Parcel No. Map 8, Parcels 20, 25, 25.1

Bounded formerly or currently as follows:

On the North by lands of **John L. Muller et ux; George L. Silver et ux**;
On the East by lands of **James Robert Robinson et ux**;
On the South by lands of **Alfred Louis Hackathorn Jr.; Alfred Louis Hackathorn Jr.; Scottie L. Lewis**;
On the West by lands of **William H. Cumpston Jr. et ux**;

And more specifically described in a Deed dated 05/10/10, from O. E. Burge, Sarah Lou Burge & Stephen Burge to O. E. Burge and recorded in Deed Book 701, at Page 146, of the deed records of said county and state.

Affiant further states that during the time of his/her ownership of the aforementioned rights in the above described lands, there **(has/has not)** been various oil and gas leases executed for the purpose of exploring for oil and gas. Affiant is also aware that there may have been other oil and gas leases executed by predecessors in title to the above described lands. Affiant further states that for a period of at least sixteen (16) years there has been no delay rental payments paid to Affiant, in money or otherwise, nor have such payments been deposited to Affiant's credit in any named bank. Affiant further states that **(he/she)** will not accept any delay rental or other payments after the date of execution of this Affidavit that would perpetuate any of said prior leases.

Furthermore, Affiant states that to the best of **(his/her)** knowledge there is no production of oil and/or gas from the above described lands and that **(he/she)** is not aware of any drilling, exploration, or development activities of any nature or kind conducted on said lands. Affiant also states that no production royalties and/or shut-in royalties have been paid effectively perpetuating any prior leases.

Further Affiant sayeth naught.

AFFIANT:

X O E Burge
O. E. Burge

Subscribed and sworn to before me on this 2 day of August, 2010

My Commission Expires: July 13, 2017

Lisa J. Warren
Signature/Notary Public
LISA J. WARREN
Name/Notary Public (PRINT)

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
LISA J. WARREN
57 Howard Street
Cameron, West Virginia 26033
My Commission Expires July 13, 2017

ACKNOWLEDGMENT

STATE OF WV)

COUNTY OF Marshall)

On this the 2 day of August, 2010, before me, the undersigned authority, personally appeared O. E. Burge, a married man, who, being duly sworn according to law, deposes and says that he executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Signature/Notary Public Lisa J. Warren
Name/Notary Public (print): LISA J. WARREN
My Commission Expires: July 13, 2017

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
LISA J. WARREN
57 Howard Street
Cameron, West Virginia 26033
My Commission Expires July 13, 2017

This instrument prepared by: Chesapeake Appalachia, L.L.C., 6100 N. Western Avenue, Oklahoma City, OK 73118

STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 2nd day of August, 2010, was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 20th day of December, 2010 at 12:40 o'clock P M.

CPS 5M 11-10

TESTE: Jan Pest Clerk.